

REMEDICATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR
August 15, 2002

BROWNFIELD SAG APPLICATIONS AVAILABLE AGAIN

The Brownfield Site Assessment Grant (SAG) program has \$1.7 million in available funding to help local governments investigate brownfields. Applications and instructions for round 4 of the SAG grants are now available. Applications for both large and small grants are due November 1, 2002. You can access the SAG application, instructions and fact sheet on the RR web site at <http://www.dnr.state.wi.us/org/aw/rr/rbrownfields/sag.htm>. If you have questions about the SAG program, please contact Jessica Milz at 608-267-0559 or jessica.milz@dnr.state.wi.us. You can also contact Michael Prager at 608-261-4927 or michael.prager@dnr.state.wi.us.

GREEN SPACE AND PUBLIC FACILITIES GRANTS

Yesterday the Natural Resources Board approved an emergency rule implementing Green Space and Public Facilities Grants. These grants are opportunities for local governments to apply for funding for eligible remedial action planning and implementation. One million dollars is available to cities, villages, towns, counties, redevelopment authorities, community development authorities and housing authorities. These grants are intended to help local governments clean up sites that will have a long-term public benefits, including preservation of green space, development of recreational areas or use of a property by a local government. Applications should be available in late August or early September. See our new web page for more information, or contact Michael Prager at 608-261-4927 or michael.prager@dnr.state.wi.us. http://www.dnr.state.wi.us/org/aw/rr/rbrownfields/greenspace_grant.htm

UPDATED GIS CHECKLIST

We have updated publication RR-688, the "Checklist of Documents for GIS Registry Packet", to reflect rule changes that became effective August 1, 2002. The GIS Registry of Closed Remediation Sites has been expanded to include sites closed after August 1 with soil contamination above residual soil contamination levels. Changes to the checklist include the order and type of information required. An extent of contamination map is required for remaining soil contamination. A groundwater flow direction map is required, and if flow direction varies by more than 20 degrees, two maps are needed to show the maximum variation. Free product should be noted on a table summarizing water level elevations, including at least the 4 previous measuring events. Our case closure request form will also be updated to reflect the rule changes. <http://www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR688.pdf>

UPDATE ON CASE CLOSURE FEES

The RR Program has had increasing problems with the quality of some case closure requests. It's becoming more common for consultants or their clients to request case closure prior to defining the extent and degree of contamination. After consulting DNR attorneys, we have determined that when DNR's review of a case closure request actually turns out to be a response to an incomplete site investigation, we will in fact complete a site investigation review. We will apply the \$750 fee that we have received for case closure toward our site investigation review. (In both cases the fee is \$750.) When the responsible party (RP) and his or her consultant have addressed DNR's

comments about the incomplete site investigation, and are ready to submit a subsequent case closure request, an additional \$750 will be due for the case closure review. In other cases, where the site investigation has largely defined the extent and degree of contamination but an inadequate amount of natural attenuation monitoring has been done, DNR will usually hold the case closure fee and inform the RP of additional monitoring requirements without charging for a site investigation review. Regional supervisors will make the final decision on whether or not a case closure request needs to be reviewed as a site investigation report. If the RP has paid GIS fees along with the initial case closure request, and DNR determines that the site is not ready for closure, DNR will hold these fees until a complete case closure request is received at a later date. However, on request, DNR will return the GIS fees to the RP and the y will be payable again later.

FEES FOR GIS MODIFICATION

Sometimes owners of a property listed on the GIS Registry of Closed Remediation Sites want to divide a property and remove a portion of the property from the registry. DNR can issue a general liability clarification letter for a portion of a property that has not been affected by a discharge. The fee is \$500.

<http://www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR619.pdf>

Enough information must be submitted to DNR to properly assess the parcel to be removed from the registry. The owner also needs to submit new deed information showing the legal division of the property. After the information has been submitted and approved, DNR will remove the subdivided portion of the property from the registry. In other cases, an RP has obtained case closure with a property listed on the GIS registry, and has subsequent data showing that groundwater contamination is now below enforcement standards, soil contamination has been treated or removed, or both. If an RP in this situation wishes to have the property removed from the registry, he or she should submit the monitoring data along with a \$750 case closure request fee. DNR will review the closure again, and if our review supports the RP's assertion that standards have been met, we will remove the property from the registry. DNR will also remove all previously affected neighboring properties from the registry if sufficient data has been received. A similar procedure applies to an affected neighboring property owner who wishes to be removed from the registry before contamination on the source (RP's) property reaches standards. If a property is listed on the registry because it has been affected by contamination from another property, and data is available to show that standards have now been met on the affected neighboring property, the owner may submit that data along with a \$500 technical assistance fee. If DNR's review supports the assertion that standards have been met on the neighboring property, we will remove that property from the registry. The RR Program expects to request rule amendments to include these details about GIS fees in NR 749.

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